Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
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Nos. 86-179 and 86-401

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1986

THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, and THE UNITED STATES OF AMERICA,
Appellants,

vs.

CHRISTINE J. AMOS, et al.,
Appellees.

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF UTAH

APPELLEES' MOTION TO FILE SUPPLEMENTAL BRIEF AFTER ARGUMENT AND SUPPLEMENTAL BRIEF

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APPELLEES' MOTION TO FILE SUPPLEMENTAL BRIEF AFTER ARGUMENT

Pursuant to Rules 35 and 42 of the Rules of this Court, appellees move the Court for leave to file the attached Supplemental Brief to bring to the Court's attention an incident which occurred

on March 31, 1987, the day that these appeals were argued, but which is relevant to the Court's consideration of the issues presented.

May 11, 1987.

Respectfully submitted,

ELIZABETH T. DUNNING
DAVID B. WATKISS
(Counsel of Record)
AMERICAN CIVIL LIBERTIES
UNION, UTAH CHAPTER

JOHN E. HARVEY

Counsel for Appellees

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SUPPLEMENTAL BRIEF OF APPELLEES

Appellees file this Supplemental Brief to bring to the Court's attention a recent incident of religious discrimination by a religiously affiliated employer against employees of a hotel

in Tulsa, Oklahoma.

As the attached Affidavit of D. Gregory Bledsoe, Esq., and the exhibits thereto set forth, on or about March 30, 1987, the Oral Roberts Ministries acquired the Ramada Hotel Riverview in Tulsa, Oklahoma, and immediately informed all hotel employees that unless they satisfied certain religious requirements they would be terminated. Mr. Bledsoe represents a former employee of the Ramada Hotel Riverview who was fired on March 31, 1987, for failure to comply with the new religious requirements imposed by the Oral Roberts Ministries.

The Oral Roberts Ministries contends that it is exempt from liability under Title VII for its religious discrimination against the hotel employees by virtue of the exemption contained in section 702 of the Civil Rights Act of 1964, 42 U.S.C. §2000e-1, as amended, the

constitutionality of which is at issue in this case.

Appellees believe that the Oral Roberts Ministries' purported reliance on the section 702 exemption to justify religious discrimination against employees of a public hotel is significant to the Court's resolution of the issues presented in this case.

May 11, 1987.

Respectfully submitted,

ELIZABETH T. DUNNING
DAVID B. WATKISS
(Counsel of Record)
AMERICAN CIVIL LIBERTIES
UNION, UTAH CHAPTER

JOHN E. HARVEY

Counsel for Appellees

AFFIDAVIT OF

D. GREGORY BLEDSOE

AFFIDAVIT OF D. GREGORY BLEDSOE

STATE OF OKLAHOMA)
: ss.
COUNTY OF TULSA)

D. GREGORY BLEDSOE, of lawful age and being first duly sworn upon his oath, deposes and says:

1. I am a member of the Bars of the State of Oklahoma, the U. S. District Courts for the Northern and Eastern Districts of Oklahoma, and the United States Courts of Appeals for the Tenth Circuit.

2. I am one of counsel for a former employee of the Ramada Hotel Riverview located in Tulsa, Oklahoma, in connection with claims of employment discrimination against her employer. The hotel is, and since its opening in the early 1980's has been, a public accommodation open to and serving the general public in interstate commerce. On or about March 30, 1987, the hotel was acquired

by The Oral Roberts Ministries. (See Exhibit A hereto.) The new owner of the hotel notified all the hotel employees that unless they each signed a statement affirming, inter alia, a belief in "our Lord and Savior, Jesus Christ," they would not continue to be employed. (See Exhibit B hereto.) They also were requested to fill out an "employment application" which included such questions as: "Have you accepted Jesus Christ as your personal Savior and Lord?" and "Do you believe God saves the soul of man?"

3. My client, who was employed in the nonreligious hotel position of Director of Administration (a type of Administrative Assistant to the Hotel Manager), and approximately 14 others who were employed in various hotel positions ranging from jobs in sales, catering and the restaurant to reservations, accounting and maintenance, refused to sign the statement and respond

to the application's religious questions. My client and the other hotel employees who similarly refused to sign, were fired solely because they refused to comply with these newly imposed religious requirements.

4. I am informed by the Oklahoma Human Rights Commission (OHRC) that when The Oral Roberts Ministries was confronted with complaints filed with OHRC regarding its obvious religiously discriminatory termination of these employees, it responded to the OHRC that it was not subject to the jurisdiction of the Commission since it was a "religious corporation" within the meaning of Section 702 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-1, as amended, and that it is entitled to impose religious requirements on all of its employees, regardless of the nature of its activities and regardless of whether the employees are engaged

in religious activities. The Oral Roberts Ministries also contended that any attempt to enforce the more restrictive Oklahoma statutory exemption of Title 25 O.S. 1981 §1307, which applies only to "religious activities," would be a violation of its "free exercise" rights.

FURTHER AFFIANT SAITH NAUGHT.

/s/ D. Gregory Bledsoe

D. GREGORY BLEDSOE

Subscribed and sworn to before me this 6th day of May, 1987.

/s/ Sandi Elleman
NOTARY PUBLIC

My Commission Expires:

3/25/89

(Seal)

EXHIBIT A

TO

AFFIDAVIT OF D. GREGORY BLEDSOE

TO: Employees of Ramada Hotel Riverview

FROM: Mark W. Swadener, General Manager

DATE: March 30, 1987

The Ramada Hotel Riverview is now under new ownership and management. In the settlement of outstanding litigation issues, title and ownership have been transferred to Oral Roberts Ministries. Employees may remain in current positions and status with regard to pay under the following stipulations:

1) New Applications for Employment must be completed and filed with Oral Roberts Ministries Personnel Dept.
2) The Code of Honor must be understood and signed.
3) Employment will be on a temporary basis. During this temporary period Oral Roberts Ministries'

reserves the right to release an individual without cause.

4) All employees will be on an hourly basis.

It is the intent of Oral Roberts Ministries' to continue to run a first class operation. If there are any questions regarding the facility, either from yourself or the media, please refrain from comment and direct all inquiries to Joel LaCourse or Donna Nicolotti.

With the cooperation of all, the new Riverview Hotel will continue to be a quality Hotel and tremendous success for all.

MWS:vn

EXHIBIT B

TO

AFFIDAVIT OF D. GREGORY BLEDSOE

The Code of Honor Pledge

Oral Roberts Ministries

One of the objectives of the Oral Roberts Ministries is to maintain a Christian religious ministry. Compliance with the life-style is an integral part of its religious ministry.

Recognizing that our Lord and Savior, Jesus Christ, is the Whole Man, it is my aim to follow in His footsteps and to develop in the same ways in which He did: "And Jesus increased in wisdom and stature, and in favour with God and man" (Luke 2:52).

> I pledge, with the help of God, to work diligently toward the ideal of the "whole man."
>
> I will apply myself to my work and endeavor to develop

the full powers of my mind.

I will practice good health habits by regularly participating in wholesome physical activities and abstaining from all illegal drugs, alcoholic beverages, and tobacco products.

I will endeavor to seek the Will of God for my life and to exemplify Christlike character, through my personal prayer life and study of the Word of God, and through faithful group worship.

I will yield my personality to the healing and maturing power of the Holy Spirit and earnestly strive to manifest God's love toward my fellowman by following Christ's example

to "do unto others as I would have them do unto me."

I will abide by the rules and regulations adopted by the Administration of the Oral Roberts Ministries.

I will commit myself to a life-style consistent with the Oral Roberts Ministries Code of Honor Pledge both at work and away from work.

Please study the above statements carefully and prayerfully. Your signature is your acceptance of the Oral Roberts Ministries Code of Honor Pledge, and your commitment, with God's help, to embody the concepts of this pledge into your daily living.

Signed:

_____ _____

Name Date

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CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of May, 1987, three copies of the foregoing APPELLEES' MOTION TO FILE SUPPLEMENTAL BRIEF AFTER ARGUMENT AND SUPPLEMENTAL BRIEF in the above captioned

case were mailed, in envelopes properly addressed and first class postage prepaid, to counsel of record for appellants herein and to the Solicitor General, as follows:

Honorable Charles Fried
Solicitor General
Department of Justice
Washington, D. C. 20530

Wilford W. Kirton
(Counsel of Record)
Kirton, McConkie & Bushnell
330 South 300 East
Salt Lake City, Utah 84111

I further state that all parties required to be served have been served.

DAVID B. WATKISS
310 South Main Street, #1200
Salt Lake City, Utah 84101